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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,751	02/12/2001	Stein A. Lundby	000411	9685

23696 7590 12/05/2003

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,751

Applicant(s)

LUNDBY, STEIN A.

Examiner

Edan Orgad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Derryberry et al (US 6,498,785).

Regarding claims 1 & 6, Derryberry teaches a remote station apparatus (element 114) comprising: a link quality estimation unit operative to generate a link quality estimate in response to a first power control instruction received on a common channel (col. 9, lines 31-37); and a power control unit coupled to the link quality estimation unit, the power control unit operative to generate a second power control instruction in response to the link quality estimate (col. 9, lines 42-55).

Regarding claim 2, Derryberry teaches the remote station apparatus controls transmission power in response to the first power control instruction (col. 9, lines 42-50 & col. 11, lines 38-48).

Regarding claim 3, Derryberry teaches the remote station apparatus transmits the second power control instruction (figure 4, element 420 & col. 11, lines 38-48).

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Regarding claim 4, Derryberry teaches a base station apparatus (element 110) comprising: a decoder (element 324); and a determination unit (element 326) coupled to the decoder, the determination operative to determine a power control instruction for base station transmission on a common channel; and an adjustment unit coupled to the determination unit, the adjustment unit operative to adjust a power level of the power control instruction (col. 8, lines 19-22, col. 8, lines 55-63, col. 9, lines 31-55 & col. 11, lines 38-48).

Regarding claim 5, Derryberry teaches a base station apparatus (element 110) comprising: a control processor (element 322) for power control of transmission of power control instructions on a common channel; and an amplifier (element 310) operative to adjust a power level of the power control instructions (col. 8, lines 19-22, col. 8, lines 55-63, col. 9, lines 31-55 & col. 11, lines 38-48).

Regarding claim 7, Derryberry teaches a method for power control in a wireless apparatus operative in a communication system having a forward link and a reverse link (see abstract), the system transmitting power control bits on a forward link common channel, the method comprising: measuring a SNR of at least one power control bit for controlling a reverse link; and determining a power control decision for the forward link based on the SNR (col. 9, line 56- col. 10, line 50).

Regarding claim 8, Derryberry teaches a method for power control in a wireless communication system, the system having a forward link and a reverse link (see abstract), the system transmitting power control instructions on a forward link common channel, the method comprising: determining a first power control instruction for control of the reverse link; in response to receiving a second power control instruction on the reverse link, the second power

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control instruction for control of the forward link (col. 9, lines 42-55), determining a first transmission power level; and transmitting the first power control instruction at the first transmission power level on the common channel (col. 9, lines 42-50 & col. 11, lines 38-48).

Regarding claim 9, Derryberry teaches a method for power control in a wireless communication system, the system having a forward link and a reverse link (see abstract), the system transmitting power control instructions on a forward link common channel, the method comprising: generating a reverse link power control instruction (col. 9, lines 31-37); generating a forward link power control instruction; and adjusting a power level for transmission of the forward link power control instruction according to the reverse link power control instruction (col. 9, lines 42-50 & col. 11, lines 38-48).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0123413, RSMA control device and method for mobile communication system.

US 6,615,053, Method for controlling power for forward common channel.

US 6,539,234, Radio communication terminal and transmission power control method.

US 6,512,931, Power control device and method for reverse link common channel in mobile communication system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Edan Orgad

Edan Orgad
November 24th, 2003

Mark Gorsaw